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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,780

04/12/2007

Meng Chow

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PATENT DEPARTMENT
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EXAMINER

YOUNKINS, KAREN L

ART UNIT

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3751

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,780	Applicant(s) CHOW, MENG	
	Examiner KAREN YOUNKINS	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/12/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to the preliminary amendment dated 4/12/2007.

Responsive to the amendment, claims 1-24 are pending in the application.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electronically activated triggering mechanism as set forth in claim 16, detector as set forth in claim 17, and motion detector as set forth in claim 18 must be shown or the feature(s) canceled from the claim(s). Currently, the triggering mechanism 50 is shown in the drawings to be a mechanically activated push valve. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11, and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 11 recites the limitation "cistern of said sanitary appliance" in page 4.

There is insufficient antecedent basis for this limitation in the claim.

6. Regarding claims 21-23, as currently written claims 21 and 22 must be "adaptable to be used in a system for generating foam according to claim 20". This function recitation only requires that the dosing devices of claims 21 and 22 may be used in the system of claim 20. As such, the claims are examined as independent claims and are not examined as being dependent on claim 20. Similarly, the dosing device of claim 23 must be "adaptable to be used in a system for generating foam according to claim 22". Therefore claim 23 is also examined as an independent claim. Further, claims 21-23 are replete with limitations lacking proper antecedent basis. Exemplary examples include: Claim 21 recites the limitations "the container", "said positioner", and "said pin" in page 6. Claim 22 recites the limitation "said container" in page 6. Claim 23 recites the limitations "said aperture", "said protrusion", and "the fluid

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supply means” on page 6. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 9, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,571,752 to Bick.

9. Bick teaches a system comprising a dosing device comprising a container 30 that is previously filled with/contains a foaming substance, an agitation mechanism 19, a receptacle 16, a fluid supply 31, and a triggering mechanism 84. The agitation mechanism 19 is at an elevation to the receptacle 16 as claimed. Bick further teaches a positioner 66 comprising an opening at a bottom end, see figures 1 and 2.

The initial statement of intended use (claim 1 line 1), and all other functional implications related thereto, have been fully considered but do not appear to impose any patentably distinguishing structure over Bick.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-2, 5, 7, 8, 14, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,965,894 to Baus.

12. Baus teaches a system comprising a dosing device comprising a container 151 that is previously filled with a substance, an agitation mechanism 52, fluid supply means (137 and 72), and a triggering mechanism (manually activated via electronic control buttons 47 and 48 are provided on both the showerhead 52 and the housing 68). The fluid supply means comprises a plurality of outlets, at the end of each hose 137 as well as at the end of 72. These outlets are 'first' and 'second' outlets to the extent claimed. The second outlet leaving 72 is directed at an inlet of the agitation mechanism 52.

Baus fails to explicitly show a receptacle. However, Baus teaches the device is for use in showers and baths.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the receptacle of a bathtub to use the system while bathing.

13. Regarding claim 8, Gaus teaches the agitation mechanism being a showerhead. Gaus teaches a showerhead per se, and does not disclose the particular design. It would have been obvious to have made the showerhead 52 with a plurality of spray channels to enhance a user's shower experience.

14. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baus as applied to claim 1 above, and further in view of US Patent Application Publication No. 2003/0084505 to Conway et al. (Conway).

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15. As previously discussed in pp-12 above, further Baus fails to show the triggering mechanism being triggered by a motion detector.

Conway teaches a passive motion detector 54 that detects the presence of a user for use in a shower system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the triggering mechanism of Baus to include a motion detector to passively activate the device without work on the part of a user.

16. Claims 1-6, 13-14, and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2004/0040074 to Leonard et al. (Leonard) in view of USPN 5,603,126 to Scoggins.

17. Regarding claims 1-4, 13-14, 19- Leonard teaches a system comprising a dosing device comprising a container 50 that is previously filled with a substance 58, and agitation mechanism 60 changes the arrangement and position of the substance. Further, fluid supply means (flush water) is provided as claimed, see pp [0044]. A 'positioner' comprising a piercing mechanism/vertically extending pin 30 is provided with an opening at a bottom end (see figure 2). The piercing mechanism/vertically extending pin 30 creates an aperture on the container, see pp [0042], and the container further comprises a protrusion extending from a bottom end of the container, see figure 2. The aperture is located on the protrusion so that fluid from the fluid supply can easily be directed at the aperture via 60.

Leonard teaches the device for use in a toilet having a bowl per se (see abstract). Leonard fails to explicitly show a receptacle and a triggering mechanism. However, Leonard teaches that the device is triggered by the flushing of water.

Scoggins teaches a triggering device (32/24/26) where a flush handle activates a ball valve allowing water to flow from the cistern 12 into the bowl 22. The triggering mechanism is manually activated by a user.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the toilet elements well known in the art as taught by Scoggins of a triggering device, valve, cistern, and bowl as claimed to provide a toilet system for the sanitary device of Leonard.

18. Regarding claims 5 and 6, further Leonard as modified as previously discussed in pp-17 above teaches the fluid supply having a first outlet from the cistern via 24/26. The first supply is directed at an opening at the bottom of the positioner, as the fluid is directed to the toilet bowl and the positioner is supplied on the toilet bowl. While not explicitly taught by Leonard, it would have been obvious to have provided a second outlet at the bottom of the toilet bowl to allow the toilet to flush.

19. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bick in view of USPN 5,918,320 to Reals.

20. As previously discussed in pp-9 above, further Bick fails to show a funneled container. Bick further fails to show the foam generated being directed into the cistern and the overflow pipe of the sanitary appliance. Instead, Bick teaches the generated foam being directed into the toilet bowl via 31.

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Reals teaches a sanitary device for a toilet where a treatment is gathered via a funneled container 41 and subsequently directed via the small end of the funnel shaped container directly into the cistern of a toilet via the overflow pipe. Once in the overflow pipe, the treatment flows into the bowl of the toilet for use.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Bick by applying the foam directly into the cistern via the overflow pipe as taught by Reals to supply the foam to the toilet bowl without having the unsightly and erroneous pipe 31 in view in the toilet bowl. It would have been further obvious to have included a funneled container to connect the foam for direction down the overflow pipe as taught by Reals to ensure all of the foam gets directed into the overflow pipe. The funnel shape will funnel the foam down by gravity and into the overflow pipe.

21. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard and Scoggins as applied to claim 14 above, and further in view of USPN 3,695,288 to Billeter et al. (Billeter).

22. As previously discussed in pp-17 above, further Leonard fails to show the triggering mechanism being a push valve.

Billeter teaches a push valve activated by button 12 that initiated the flushing of a toilet. Billeter teaches that the use of the push valve enables the toilet plumbing to be remotely located, like is shown in figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Leonard by providing a push valve for activation

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of the plumbing from a remote location to provide a more visually pleasing bathroom experience.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 3,383,710 teaches a device providing foam in a toilet bowl to reduce noise and splash. USPN 4,321,714 to Takai et al. teaches providing foam in a urinal bowl.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN YOUNKINS whose telephone number is (571)270-7417. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. Y./

Examiner, Art Unit 3751

/Gregory L. Huson/

Supervisory Patent Examiner, Art Unit 3751